

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

AUG 27 1999 BC

MICHAEL M. DALBY, CLERK OF COURT

CANDICE NAVIGATION CORPORATION
and PLEIADES SHIPPING AGENTS, S.A.,
Plaintiffs

VS.

M/V JACKIE CENAC, Her Engines,
Tackle, Apparel, Etc., *In Rem*,
Barge CTC0312, Her Equipment, Tackle,
Apparel, Etc., *In Rem*, and
CENAC TOWING COMPANY, INC.,
Defendants

[illegible]

C.A. No. H-99-1413
Pursuant to Rule 9(h) of the
Federal Rules of Civil Procedure

INTERVENING PLAINTIFF'S COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Intervening Plaintiff, P.M.I. Trading Ltd., by its attorneys, Haight, Gardner, Holland & Knight, A Law Office of Holland & Knight LLP, and Gardere Wynne Sewell & Riggs LLP, and alleges upon information and belief and would respectfully show this Honorable Court as follows:

I. JURISDICTION

This is a cause of action within the admiralty and maritime jurisdiction of the United States and this Honorable Court in accordance with 28 U.S.C. § 1333 and Rule 9(h) of the Federal Rules of Civil Procedure.

II. INTERVENING PARTY

Intervening Plaintiff, P.M.I. Trading Ltd., is a business entity duly organized and existing under the laws of Ireland, with its principal place of business in Mexico City. At all times hereinafter mentioned, P.M.I. Trading Ltd. was the owner of a cargo of No. 6 fuel oil loaded onboard the M/T NESTOS.

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III.
ORIGINAL PARTIES

Upon information and belief, Plaintiff Candice Navigation Corporation is a business entity duly organized and existing under the laws of Liberia, with its offices at 80 Broad Street, Monrovia, Liberia. At all times hereinafter mentioned, Candice Navigation Corporation was the owner of the M/T NESTOS.

Upon information and belief, Plaintiff Pleiades Shipping Agents, S.A. is a business entity organized and existing under the laws of Greece, with its offices at 225227 Kifessia, 145 61 Athens, Greece. At all times hereinafter mentioned, Pleiades Shipping Agents, S.A. was the operator and manager of the M/T NESTOS.

Upon information and belief, Cenac Towing Company, Inc. is a corporation organized and existing by virtue of law in the State of Louisiana, with its offices located at 141 Bayou Dularge Road, Box 2617, in Houma, Louisiana 70361. At all times hereinafter mentioned, Cenac Towing Company, Inc. was the owner and operator of the M/V JACKIE CENAC and the Barge CTC0312.

IV.

On or about May 8, 1999, the M/T NESTOS was proceeding outbound in the Houston Ship Channel with a cargo of No. 6 fuel oil owned by P.M.I. Trading Ltd. The MN JACKIE CENAC was turning to starboard into the Houston Ship Channel to proceed inbound in the Houston Ship Channel with attached barges, including the Barge CTC0312. The MN JACKIE CENAC did not maintain control of its flotilla, including the Barge CTC-312, and the Barge CTC0312 struck the port side of the M/T NESTOS. This collision caused a large hole in the port side of the M/T NESTOS approximately eight (8) feet wide and fifty (50) feet long. The collision caused a certain amount of sea water to enter the No. 1 hold, contaminating a quantity of the petroleum cargo in the No. 1 hold of the M/T NESTOS.

V.

The damage to the cargo onboard the M/T NESTOS was caused by the negligence of Cenac Towing Company, Inc. and its employees, servants, and agents, including the Captain and crewmembers of the MN JACKIE CENAC, plus the unseaworthiness of the Barge CTC-312 and the MN JACKIE CENAC.

VI.

As a result of this collision, Intervening Plaintiff P.M.I. Trading Ltd. has sustained substantial damages in an as yet undetermined amount, consisting of damage to the cargo, expenses in general average, expenses in offloading the cargo and reshipping the cargo on another vessel, losses due to the delays occasioned by the collision, and other substantial expenses necessarily incurred as a result of the collision.

WHEREFORE, Intervening Plaintiff prays:

That P.M.I. Trading Ltd. be permitted to intervene in the present proceeding; and

That a judgment may be entered in favor of Intervening Plaintiff P.M.I. Trading Ltd. against the MN JACKIE CENAC, *in rem*, and the Barge CTC0312, *in rem*, and Cenac Towing Company, Inc., *in personam* for the amount of the claim to be determined, plus pre-judgment interest, post-judgment interests, and costs; and

That the caption of this action be amended as follows:

CANDICE NAVIGATION CORPORATION
and PLEIADES SHIPPING AGENTS, S.A.,

Plaintiffs,

and

P.M.I. TRADING LTD.,

as Intervening Plaintiffs,

vs.

M/V JACKIE CENAC, Her Engines, Tackle,
Apparel, Etc., *In Rem*, Barge CTC3012, Her

Equipment, Tackle, Apparel, Etc., *In Rem*, and
CENAC TOWING COMPANY, INC.,

Defendants.

That Plaintiffs may have such other and further relief as the Court and justice may deem just and appropriate under the circumstances of the cause.

Respectfully submitted,

GARDERE WYNNE SEWELL & RIGGS, L.L.P.

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Attorneyfor Intervening Plaintiff

P.M.I. Trading, Ltd.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent to all counsel of record via certified mail, return receipt requested, on this ____ day of _____, 1999.

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The MN JACKIE CENAC, in rem, and the
Barge CTC0312, in rem

James J. Sentner, Jr.

OF COUNSEL:

THE STATE OF TEXAS §
COUNTY OF §

James J. Sentner, Jr., being duly sworn, deposes and says:

I am the attorney for Intervening Plaintiff P.M.I. Trading Ltd. herein. I have read the foregoing Intervening Plaintiffs Complaint and the contents thereof are true to the best of my knowledge. The source of my information and the grounds of my belief are statements and information furnished to me by the agents and representatives of Intervening Plaintiff P.M.I. Trading Ltd.

The reason this verification is not made by Intervening Plaintiff P.M.I. Trading Ltd. is that Plaintiff is a foreign business entity without any officers within this District.

SUBSCRIBED AND SWORN TO BEFORE ME, this ____ day of August, 1999.

Notary Public in and for the State of Texas